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**Legislative Review:** BOS File #220538- Public Works Code – Public Works Graffiti Abatement Pilot Program  
**Name:** Melgar  
**Date Introduced:** 5/10/2022  
**Date Referred:** 6/17/2022  
**Scheduled for BOS Committee:** Budget and Finance Committee

**Legislative Overview:** This legislation would create a two-year pilot program allowing commercial property owners to opt into graffiti abatement by Department of Public Works (DPW) at no cost to the property owner.

**Existing law:**

Article 3 of the Public Works Code contains the City’s Graffiti Removal and Abatement Ordinance, which allows DPW to issue Notices of Violation to private property owners who do not abate graffiti within 30 days. After 30 days, if there is no abatement, DPW can issue a Notice of Blight and charge a fee for the cost of graffiti removal.

Property owners can request a hearing to contest the violation and explain any hardships that prevent them from being able to immediately abate the graffiti. If a hardship is determined, the Director of Public Works may determine that the City will provide services for and cover the cost of abatement. Alternatively, the Director may provide a can of paint to the property owner.

In 2020 during the COVID-19 pandemic, following recommendations from the Small Business Commission, the Board of Supervisors passed Ordinance 64-21 which waived fees and fines of Public Works Code 2304 (a), 2305, and 2306 which pertain to graffiti removal and abatement on private property. Per the Ordinance, upon the expiration of the Mayor’s Emergency Proclamation, DPW would resume enforcement, issuance, and collection of fees and fines on private property owners who do not abate graffiti. On April 15<sup>th</sup>, 2022 the Board of Supervisors reinstated fees and fines, acknowledging increasing concerns about graffiti.

**Amendments to Current Law**

**Proposed changes:** This legislation would create a two-year pilot program for graffiti on commercial properties in specified Commercial Corridors wherein property owners can provide written consent to allow DPW to abate graffiti on their property at no cost to the property owner. Property owners can opt into the program at any time, including upon receipt of a Notice of Violation.

This pilot would not include properties in Community Benefit Districts and Green Benefit Districts unless the property owner can demonstrate that the district lacks funding for abatement.

**Legislative Intent:**

This legislation helps small businesses who are the victims of graffiti by providing city services to cover abatement services and costs.

**Relevant Definitions:**

- *Commercial Corridors*. For purposes of this subsection (e), Commercial Corridors shall include properties in the following areas: Neighborhood Commercial Districts, Named Neighborhood Commercial Districts, Neighborhood Commercial Transit Districts, and Named Neighborhood Commercial Transit Districts, listed in Section 201 of the Planning Code, and defined in Section 702 of the Planning Code; the Chinatown Community Business District, as defined in Planning Code Section 810; the Chinatown Residential/Neighborhood Commercial District, as defined in Planning Code Section 812; and the Chinatown Visitor Retail District, as defined in Planning Code Section 811.